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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LOOP AI LABS, INC., a Delaware corporation,

Plaintiffs.

v

ANNA GATTI, an individual,
ALMAVIVA S.p.A., an Italian corporation,
ALMAWAVE S.r.l., an Italian corporation,
ALMAWAVE USA, Inc., a California
corporation, IQSYSTEM LLC, a California
limited liability company, IQSYSTEM Inc., a
Delaware corporation.

Defendants.

CASE NO.: 3:15-cv-00798-HSG-DMR

Hon. Donna M. Ryu

**DEFENDANT ALMAWAVE USA, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE UNILATERAL LETTER
BRIEF RE: ALMAWAVE USA, INC.'S
DISCOVERY REQUESTS TO PLAINTIFF
LOOP ALL LABS, INC.**

Action Filed: February 20, 2015
Trial Date: July 11, 2015

1 On September 28, 2015, this Court ordered [Dkt. No. 222] that, by October 5, the parties
2 submit a joint letter brief regarding defendant Almawave USA’s discovery requests propounded
3 to plaintiff Loop. Loop refuses to even discuss the issue, much less participate in a joint letter.
4 On September 30 and October 1, Almawave USA asked Loop to discuss the matter by phone,
5 and also sent draft joint letters, urging Loop to add its position. Despite sending prolix letters on
6 other issues, and initiating other case activity, Loop refuses to respond.

7 Almawave USA has been attempting to meet and confer with Loop regarding Almawave
8 USA's discovery requests to Loop since August 31, but Loop has refused to participate in any
9 meet and confer calls, at least twice canceling a scheduled call on the issue.

10 Loop failed to provide any substantive responses to Almawave USA’s targeted
11 Interrogatories. And Loop responded to five of the document requests with boilerplate
12 objections, and not even promising to produce documents. Loop also has produced no
13 documents, instead purporting to make certain documents available through an online application
14 that would have required Almawave USA to review documents in Loop’s own document review
15 database. That purported “production” is inconsistent with the Federal Rules of Civil Procedure
16 and the explicit electronic discovery instructions in Almawave USA’s Requests.

17 In addition, on June 26, Almawave served a deposition notice for Loop's PMK. Despite
18 repeated requests over a period of months, counsel for Loop refuses to provide any dates for this
19 deposition.

20 We are mindful that this Court ordered that it “will only grant leave to file an ex parte
21 discovery letter in exceptional circumstances.” But this Court also ordered that a joint letter be
22 submitted on the above issues by today’s date, and Loop refuses to cooperate. Mindful of the
23 Court’s deadline but unable to comply with it, Almawave has been forced to file this motion.

24 | Dated: October 5, 2015

By: /s/ Thomas E. Wallerstein
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